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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/300,856 04/28/99 BROWN

S RYA-129/DIV

025315
BLACK LOWE & GRAHAM
816 SECOND AVE.
SEATTLE WA 98104

QM12/0104

EXAMINER

ASTORINO, M

ART UNIT

PAPER NUMBER

3736

DATE MAILED:

01/04/01

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/300,856

Applicant(s)
Brown

Examiner
Michael Astorino

Group Art Unit
3736



☒ Responsive to communication(s) filed on Oct 18, 1900

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 2, 4-6, and 8-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 2, 4-6, and 8-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3736

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-2, 4-6 and 8-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Braun et al.

Braun et al. discloses a system for communicating information to an individual including messages and queries, comprising a remote computer workstation located away from individuals residence to communicate information to an individual (columns 14-15, lines 60-37), a server connected to remote device generating a script program, a remotely programmable apparatus in a residence networked to said server via a communication network, a modem for receiving said script program from said server, memory device for storing said script program, user interface configured for conveying the information and for receiving input from the individual, and processor device for executing said script program, said processor device connected to said communication device and to said memory device, and ~~a~~ measurement device providing at least one physiological parameter including blood pressure (columns 4-5).

Art Unit: 3736

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Bro (5,596,994)** as a system for communicating information to an individual including scripted messages and queries, comprising a remote computer workstation located away from individuals residence to communicate information to an individual.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Astorino whose telephone number is (703) 306-9067.



M. Astorino

January 2, 2001



CARY O'CONNOR
SUPERVISORY PATENT EXAMINER
GROUP 3700